Bom. Act VI of 1879.

2. For the proviso to section 21 of the [1] Bombay Port Trust Act, 1879, hereinafter called " the said Act ", the following proviso shall be substituted, namely :— Amendment of section 21 of Bom. VI of 1879.

[Vol. II of this Code.]

3. After clause (7) of section 22 of the said Act, the following clause shall be inserted, namely :— Amendment of section 22 of Bom. VI of 1879.

[Vol. II of this Code.]

4. For clause (*a*) of section 33 of the said Act, the following clause shall be substituted, namely :— Amendment of section 33 of Bom. VI of 1879.

[Vol. II of this Code.]

5. In section 34 of the said Act— Amendment of section 34 of Bom. VI of 1879.

(*1*) for the second paragraph, the following paragraph shall be substituted, namely :—

[Vol. II of this Code.]

(*2*) Paragraph 3 shall be repealed.

(*3*) In paragraph 6, the words " and one-half " shall be omitted.

6. After clause (*6*) of section 49 of the said Act, the following clause shall be inserted, namely :— Amendment of section 49 of Bom. VI of 1879.

[Vol. II of this Code.]

7. After clause (*4*) of section 50 of the said Act, the following clause shall be inserted, namely :— Amendment of section 50 of Bom. VI of 1879.

[Vol. II of this Code.]

BOMBAY ACT No. V OF 1917.[2]

[THE BOMBAY BOILER INSPECTION ACT, 1917.]

[*19th May, 1917.*]

An Act to amend the law for the inspection and management of boilers in the Presidency of Bombay.

WHEREAS it is expedient to amend the law for the inspection and management of steam boilers; It is hereby enacted as follows :— Preamble.

1. (*1*) This Act may be called the Bombay Boiler Inspection Act, 1917. Short title, extent, and commencement.

[1] Vol. II of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1916, Pt. V, p. 466; for Report of Select Committee, *see ibid*, 1917, Pt. V, p. 166; and for Proceedings in Council, *see ibid*, 1917, Pt. V, pp. 52 and 358.

(2) It extends to the whole of the Presidency of Bombay.

(3) This section shall come into operation at once. The rest of the Act shall come into operation at once in the City of Bombay. The Governor in Council may, by notification in the Bombay Government Gazette, direct that the rest of the Act shall come into operation in any district or place, other than the City of Bombay, on such date as may be specified in such notification.

Limitation of application of Act.

2. Nothing in this Act shall be deemed to apply to any boiler in any steam-vessel, or to any locomotive engine or boiler used upon or appertaining to any railway within the meaning of that word as defined in section 3, clause (*4*), of the [1]Indian Railways Act, 1890, or to any boiler used exclusively for domestic purposes at atmospheric pressure, or to any boiler used upon any vehicle or class of vehicles which the Governor in Council may, by notification in the Bombay Government Gazette, specify in this behalf. IX of 1890.

Interpretation clause.

3. In this Act, unless there is something repugnant in the subject or context,—

(*a*) "boiler" includes any closed vessel used expressly for generating steam under pressure for use outside such vessel and any mounting or other fitting attached to such vessel which is wholly or partly under pressure when steam is shut off;

(*b*) "owner" includes also any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof.

Inspection of Boilers.

Appointment of Inspectors.

4. (*1*) The Governor in Council may from time to time appoint inspectors for the purposes of this Act and may appoint one of such inspectors to be Chief Inspector.

(*2*) The local extent of the duties of the inspectors and the mutual relations of inspectors shall be fixed from time to time by the Governor in Council.

(*3*) Subject to any rules for the time being in force under section 38, the Inspectors shall be under the control of the Collector of the place or district in which the boilers to be inspected by such inspectors are respectively situated.

Appointment of commissions.

5. The Governor in Council shall, as occasion may require, appoint commissions, either generally or specially, for hearing appeals preferred by owners under section 14 and for determining questions submitted to them under section 17. Such commissions shall consist of such person or persons, and

[1]General Acts, Vol. IV.

their appointment shall endure for such term, as the Governor in Council shall direct.

Owner not to use a boiler without a certificate except in certain cases.

6. (*1*) Subject to the provisos to this section, it shall not be lawful for the owner of any boiler—

(*i*) to use the same, or to permit the same to be used, unless a certificate shall have been duly granted in respect thereof in the manner hereinafter provided, or

(*ii*) to continue to use the same, or to permit the use thereof to be continued, after the period for which any such certificate shall have been granted has expired, or

(*iii*) to work the same, or to permit the same to be worked, at a higher pressure than that allowed by such certificate:

Provided that—

(*a*) in the case of a boiler in respect of which no certificate has been previously granted, the inspector shall, if he is unable to issue a certificate at once, grant to the owner, within 48 hours next after his examination of the boiler, a provisional order in writing specifying the pressure at which such boiler may, in his opinion, pending the issue, or refusal of a certificate, be worked; and it shall be lawful for the owner to work the boiler in accordance with such provisional order until a certificate in respect thereof has been granted or refused or until the expiry of the period specified in such provisional order, whichever period is less;

(*b*) the owner of a boiler who holds in respect thereof a certificate as required by this section, and who, before the expiry of the said period of such certificate, gives notice of his intention to continue to use the boiler after the expiry of the said period, may, unless after examining the boiler the inspector by an order in writing directs that its use be entirely discontinued, continue to use the boiler or to permit the use thereof until a renewed certificate has been granted or refused, but shall not use the boiler or permit the use thereof at any pressure higher—

(*i*) than that allowed by the expired certificate, or

(*ii*) than that allowed by any provisional order given in writing by the inspector after examining the boiler.

(*2*) No provisional order granted under this section shall have any force in respect of any boiler for a longer period than six months or after a certificate or a renewed certificate has been either granted or refused in respect of such boiler, or after the receipt by the owner of such boiler from the Collector or the inspector or from any person generally or specially empowered in writing by the Collector in this behalf of a requisition in writing for the surrender of such provisional order.

Owner not to work a boiler without a competent engineer in charge.

7. Subject to the provisos to this section, it shall not be lawful for the owner of any boiler to work the same or permit the same to be worked at any time except whilst he has in his employ as engineer in direct and immediate management and charge thereof a person who is a fit and proper person to manage and be in charge of the same:

Provided that—

(*a*) a person employed to manage and be in charge of two or more sets of boilers belonging to the same owner and so situated that no one of them is more than a thousand feet apart from any other of them, may, notwithstanding their distance from each other, be deemed to be in direct and immediate management and charge of all such boilers;

(*b*) the restrictions contained in this section shall not apply to the owner of a boiler of such capacity and used for such purpose as may be specified by the Governor in Council by notification in the Bombay Government Gazette.

Boilers to be registered.

8. (*1*) The owner of any boiler who desires to use the same shall, if it is unregistered, cause it to be registered.

(*2*) The owner of a boiler may give notice in writing to the inspector that he desires to have the same registered, whereupon the inspector shall register such boiler and shall allot to it a number corresponding to the number of the entry concerning it in the register of boilers. Such number shall be called the registry number of the boiler. It shall be communicated to the owner, and shall, within such reasonable period as the inspector may direct, be permanently marked upon the boiler by the owner thereof so as to be plainly visible, and in such manner as the Governor in Council may from time to time prescribe.

Owner of boiler to give notice to inspector of intention to use boiler.

9. (*1*) If the owner of a boiler does not hold in respect thereof a certificate which is at the time in force, he shall, after causing the boiler to be registered or giving a notice under sub-section (*2*) of section 8 in relation thereto, and before using or continuing to use the said boiler, give the notice prescribed in sub-section (*2*) or sub-section (*3*).

(2) If such boiler is situate in a place for which an inspector has been expressly appointed by the Governor in Council, such owner shall give notice to such inspector of his intention to use or to continue to use the said boiler and of his desire to obtain a certificate. The inspector to whom such notice is given shall appoint a time between sunrise and sunset and within four days after the receipt of such notice, for the examination of such boiler, and at such time shall carefully examine such boiler and every appurtenance closely attached thereto.

(3) If such boiler is not situate in a place for which an inspector has been expressly appointed by the Governor in Council, the owner shall, before using or continuing the use of the same, give notice to the Chief Inspector and to the Collector of the district in which it is situate of his intention to use or to continue to use the same, and the Chief Inspector shall cause an examination as aforesaid to be made by an inspector with the least possible delay and within twenty days after the receipt of such notice, and shall inform the owner of the date on which the said examination will take place.

(4) Every person giving notice under this section shall simultaneously pay to the Collector the fees prescribed for the examination by a rule made under section 38.

(5) If a boiler is procured in, or imported into, the city of Bombay or Karachi for use in any place, beyond the said cities, in which this Act is at the time in force, the owner of such boiler may, at his option, cause the same to be registered, numbered and examined for a certificate under the foregoing provisions of this section before it is removed from either of the said cities. Such certificate shall operate for a period of six months only from the date thereof:

Provided that, in the case of a portable, vehicular, or other boiler, not requiring re-erection or building in brick-work and not exceeding twenty horse power nominal, procured in or imported into the city of Bombay or Karachi and examined for a certificate under this sub-section, the certificate may, subject to the provisions of sub-section (3) of section 11, operate for a period not exceeding twelve months from the date of issue.

10. (1) The owner or person in charge of any boiler so to be examined shall— Facilities to be afforded for examination.

(a) afford to the inspector all reasonable facilities for such examination, and all such information as may reasonably be required by him;

(*b*) provide, in the case of a new boiler about to be registered, a dimensioned drawing, specification and certificate of tests of material for the boiler, such certificate or a copy thereof being duly signed by the makers of the boiler and bearing a number corresponding with the makers' number of the boiler;

(*c*) previously arrange that—

(*i*) the boiler shall be empty and cool, and shall be cleaned inside and outside;

(*ii*) the fire-flues shall be swept;

(*iii*) the fire-bars and fire-bridges shall be removed;

(*iv*) the flow-off and other cocks and valves shall be taken apart for the purpose of examination;

(*d*) if required by the inspector, cause any lagging, brick-work or masonry in contact with the boiler to be removed;

(*e*) during the examination, keep the boiler effectively disconnected from any steam or hot water communication with any other boiler.

(2) The provision as to disconnection contained in clause (*e*) shall extend to every case wherein a person is sent, or with the owner's assent goes, into a boiler for any purpose connected therewith.

Grant and renewal of certificates.

11. (*1*) If the inspector is satisfied that the boiler and the appurtenances closely attached thereto are in good condition, and if the registry number of the boiler is properly marked thereon in accordance with sub-section (2) of section 8, the inspector shall give to the owner a certificate to that effect.

(2) Every certificate so granted shall be renewed by the inspector from time to time, if he is satisfied, after re-examining the boiler and the appurtenances closely attached thereto under the provisions of section 9, that the same are in good condition and that the registry number of the boiler is properly marked thereon as aforesaid.

(3) Every original or renewed certificate granted under this section shall be in the form of and contain the particulars specified in schedule A. Except as is otherwise provided in sub-section (5) of section 9, every such certificate shall be granted for such period not exceeding twelve months as the owner of the boiler shall desire, unless it shall appear to the inspector improbable that the boiler and the appurtenances closely attached thereto will remain in good condition for so long a period, in which case the certificate shall be granted for such shorter period as the inspector in his discretion deems fit.

(*4*) The maximum working pressure at which the boiler may be worked, specified in every original certificate granted under this section, shall be determined by the inspector in accordance with the rules under this Act.

Duplicate certificate.

12. A duplicate of any certificate granted under section 11 which is at the time in force shall be granted by the Chief Inspector on the application of the owner of the boiler, if the Chief Inspector is satisfied that the duplicate is required for a *bonâ fide* purpose and the fee prescribed by the rule under section 38 is paid.

Certificate may be withdrawn or refused in certain cases.

13. (*1*) The Chief Inspector may withdraw any certificate granted under section 11 if there is reason to believe that, since the granting of such certificate, the boiler in respect whereof it was granted has sustained injury or has ceased to be in good condition.

(*2*) After such withdrawal the boiler in respect of which the certificate has been withdrawn shall not be worked again until a further examination has been made and a fresh certificate granted for such period and pressure, not exceeding that specified in the certificate before its withdrawal, as the Chief Inspector in his discretion may deem fit.

(*3*) An inspector, with the approval of the Chief Inspector, may refuse to renew or may withdraw a certificate granted under section 11 for a boiler which, by reason of the use of foul or sedimentary feed water, or of insufficient cleaning, has sustained injury by over-heating or fracture and which, in the opinion of the inspector, is likely to receive further injury if continued to be worked.

(*4*) But no refusal to renew and no withdrawal of a certificate under the provisions of sub-section (*3*) shall be made unless the owner of the boiler has—

(*a*) received due warning to the effect that a continuance of the conditions of working complained of is likely to lead to further injury to the boiler, and

(*b*) neglected, within a period of three months from the date of issue of such warning, to take such steps for the removal of the conditions of working complained of as may be deemed reasonable.

(*5*) A certificate withheld or withdrawn under the provisions of sub-section (*3*) shall not be granted or returned to the owner of the boiler until the Chief Inspector is satisfied, from inspection or inquiry, that the precautions taken are reasonably sufficient.

Appeal.

14. If an inspector refuses to give a certificate or a renewed certificate to the owner of any boiler, or refuses to give the same for the full period applied for or for the pressure desired, or withdraws a certificate or reduces the amount

of pressure specified in any certificate or the period for which such certificate has been issued, he shall be bound to give to such owner, within forty-eight hours, his reasons for such refusal, in writing, and any owner deeming himself aggrieved by the decision of the inspector may, within one month from the date of the said refusal, lodge with the Collector of the place or district in which the boiler is situate an appeal to be heard by a commission appointed under section 5.

Determination of the appeal.

15. (*1*) The owner's petition of appeal shall be forthwith forwarded by the Collector to the commission, and the said commission shall, if the boiler be situated—

(*a*) in the city of Bombay, then within four days,

(*b*) in Aden, then within one month, and

(*c*) elsewhere, then within ten days, after the date of the receipt of the appeal,

inquire into and determine such appeal.

(*2*) The commission may either reject the appeal or grant the owner a certificate for such period not exceeding twelve months and for such pressure as it thinks fit.

(*3*) The inquiry shall be held in public, and the decision of the commission shall be final.

When commission may award costs.

16. (*1*) If the commission is of opinion that the appeal is unfounded or frivolous, it may award any sum not exceeding one hundred and fifty rupees to be paid by the owner as costs.

(*2*) Any sum so awarded by the commission shall be recoverable by the Collector from the owner as an arrear of land revenue.

Revocation of certificates by commission.

17. (*1*) Any commission appointed under section 5 may, after such inquiry as shall seem just, revoke any certificate granted under section 11 or section 15, if there is reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient examination.

(*2*) After such revocation, the boiler in respect whereof the certificate has been revoked shall not again be used until a further examination shall have been made and a certificate granted by the inspector with the countersignature of the said commission, or, if the commission consists of more than two persons, of a majority thereof or of their successors in office.

Inspector may enter any place where a boiler is used.

18. (*1*) It shall be lawful for an inspector at any time to enter any place or building, in which he has reason to believe that a boiler is being used, for the purpose of inspecting such boiler, whether the same be under pressure or not, or of satisfying himself that the provisions of section 6 or section 7 are being observed in respect of it.

(2) It shall be lawful for the inspector to order the working of a boiler to be stopped only when that shall, in his opinion, be indispensable for the proper examination of the boiler. The reasons for any such stoppage shall be given in writing by the inspector to the owner, on the owner's demand, concurrently with the order for stoppage, and the owner shall thereon become subject to the provisions of section 10.

Owner to report alterations to boiler.

19. If at any time during the period for which a provisional order under section 6 or a certificate under section 11, section 15, or section 17 has been granted, any structural alteration or renewal is made in any part of the boiler to which such provisional order or certificate relates, it shall be the duty of the owner of such boiler to give notice in writing of such alteration to the person specified in sub-section (5) of section 20, either before the same is commenced or whilst it is in progress.

Occurrence of accident to boiler to be reported.

20. (*1*) It shall be the duty of every owner or person in charge of a boiler to report in writing to the person specified in sub-section (*5*), within twelve hours of its occurrence, every accident to the boiler or to any apparatus attached thereto, which is calculated to weaken the strength of such boiler or to render it liable to explode.

(2) Every such report shall contain a true description of the nature of the accident and of the injury thereby caused, sufficient to enable the person to whom it is made to judge of the gravity of the accident.

(3) The owner or person in charge of the boiler shall be bound to answer truly, to the best of his knowledge and ability, every question put to him in writing by the person to whom the report is made as to the cause, nature and extent of the accident.

(*4*) Elsewhere than in the city of Bombay, the Collector of the district, or any person whom the said Collector generally or specially authorizes in this behalf, may, after visiting the scene of any such accident as aforesaid, by an order in writing, direct that the use of the boiler be discontinued until it has been examined and certified by an inspector as fit for use and the owner and person in charge of the boiler shall be bound to obey such order.

(5) The persons to whom reports under this section and notices under the last preceding section shall be made or given are, in the city of Bombay, the Chief Inspector, and, elsewhere, the Collector of the district or such person as the said Collector appoints to receive the same.

Owner to produce provisional order or certificates when called upon.

21. (*1*) The owner of any boiler who has obtained a provisional order or certificate therefor shall, at all reasonable times during the period for which such provisional order or certificate is in force, be bound to produce the same when called upon to do so by the inspector, or by the Collector of Bombay or any Presidency Magistrate in the city of Bombay, or by the Collector of the district elsewhere, or by any person generally or specially authorised in writing by such Collector or Magistrate in the said city or by such Collector elsewhere, to demand its production.

(*2*) A person who becomes owner of a boiler during the period for which a provisional order or certificate therefor is in force shall be entitled to receive the provisional order or certificate from the preceding owner and shall be subject to the provisions of sub-section (*1*).

Engineers' Certificates.

Examinations of engineers.

22. Examinations shall be held periodically, by a board of examiners, at such places and on such dates as the Governor in Council shall determine, of persons who desire to qualify as engineers for the management of boilers.

Examiners to be appointed by Government.

23. The Governor in Council shall from time to time nominate competent persons to be members of the board of examiners for the said examinations. In no case shall an inspector appointed under this Act be a member of such board.

Certificate of competency.

24. (*1*) Every applicant for examination who is declared by the said board to have passed an examination shall receive a certificate of competency in accordance with the board's decision as to his qualifications, which shall be signed by the members of the board.

(*2*) Certificates of competency may be of different classes, and a certificate of each class shall qualify the holder thereof to manage or be in charge of a boiler of such capacity or kind as the Governor in Council may from time to time direct in rules under section 38.

Certain other certificates to be available in proof of qualifications.

25. (*1*) If any engineer is in possession of a certificate of competency granted by any competent authority in British India, or in the United Kingdom, or in any British Colony, he shall be entitled to receive a certificate of competency as aforesaid, without undergoing examination.

(*2*) The Governor in Council may from time to time determine what authorities shall be deemed competent for the purpose of this section.

(*3*) The certificate granted under this section shall be of such class as the board of examiners, or a majority of the members of the said board, on a consideration of the nature of the certificate in the engineer's possession, shall determine.

Temporary certificates for persons employed in erecting boilers.

26. (*1*) The Collector of Bombay may, in the case of a person who is employed for the purpose of erecting and afterwards supervising the working of new engines and boilers at a factory situate within the Presidency of Bombay, on the production of satisfactory testimonials, grant a temporary certificate of service.

(*2*) Such temporary certificate shall be signed by the Collector of Bombay and shall —

(*a*) be valid only in respect of the boilers at the place named in the certificate;

(*b*) remain in force for such period not exceeding two years from the date of issue, as may be determined by the Collector.

Withdrawal or suspension of certificate.

27. (*1*) If by means of any inquiry conducted under the provisions of this Act or of the rules framed thereunder it shall be established to the satisfaction of the Governor in Council that any engineer possessing a certificate of competency granted under section 24 or 25, or a certificate of service granted under section 26, is incompetent, or is addicted to drunkenness, or has been guilty of any serious misconduct or negligence, the Governor in Council may cancel such certificate, or suspend the same for such time as he shall deem fit.

(*2*) The holder of such certificate shall, on demand by the persons charged with the inquiry, forthwith place in the hands of such persons his certificate to abide the result of such inquiry.

(*3*) When any holder of a certificate shall have been called on to deposit the same under sub-section (*2*), or when any inquiry into his conduct shall have been directed by the Governor in Council, if such holder shall fail to deposit his certificate, or shall withdraw beyond the limits of the Presidency of Bombay, the Governor in Council may notify such failure or withdrawal by notification giving a statement of the circumstances so far as known. Upon the issue of such notification it shall be competent to the Governor in Council to cancel the certificate of such engineer:

Provided that the Governor in Council may, at any time, upon such engineer satisfactorily explaining such failure or withdrawal, revoke any such order of cancellation and regrant to such engineer without examination the certificate so cancelled, and a certificate so regranted shall have the same effect as if it had been granted after examination.

Record of certificate to be kept.

28. A duplicate of every certificate of competency or service granted under this Act shall be kept and recorded in such manner as the Governor in Council shall direct; and all orders made under section 27 for cancelling or suspending any certificate shall be from time to time entered on the record containing such duplicates.

Duplicate of certificate to be given.

29. Whenever any engineer proves to the satisfaction of the Governor in Council that he has, without fault on his part, lost or been deprived of any certificate granted to him under this Act, a duplicate of the certificate to which by the record so kept as aforesaid he appears to be entitled shall be furnished to him, which shall have for all purposes the same validity as the original certificate.

Who is to be deemed a fit and proper person to manage a boiler.

30. Subject to the proviso to section 40, no person who does not possess a certificate of competency or service granted under section 24, 25, 26, or 29 shall be deemed a fit and proper person to manage or be in charge of a boiler: and no holder of any such certificate shall be deemed a fit and proper person to manage or be in charge of any boiler except to the extent of his qualification indicated by his said certificate.

Penalties.

For failing to give notice of alteration, or refusing to produce order or certificate, or failing to report accident.

31. Any owner of a boiler who—

(*a*) fails to give notice, as required by section 19 of any structural alteration or renewal thereof,

(*b*) refuses or neglects to produce the provisional order or certificate which he has obtained therefor, when duly called upon so to do under section 21,

and every owner or person in charge of a boiler who—

(*c*) fails to report, as required by section 20, any accident of the kind mentioned in that section, shall, for every such omission, refusal or neglect, be punished with fine which may extend to one hundred rupees.

For using boiler without order or certificate or without competent engineer in charge, or at too high pressure.

32. (*1*) The owner of any boiler who shall –

(*a*) use the same or permit it to be used without a provisional order or certificate duly obtained and in force in respect thereof,

(*b*) work the same or permit the same to be worked at any time, except whilst he has in his employ as engineer in direct and immediate management and charge thereof a person who is a fit and proper person to manage and be in charge of the same, and any such owner or any person who shall,

(*c*) work the same, or permit it to be worked, without a provisional order or certificate duly obtained and in force in respect thereof or in contravention of an order for discontinuing its use made under sub-section (*4*) of section 20, or at a higher pressure than that allowed by any provisional order or certificate duly obtained and in force in respect thereof,

shall be punished with fine which may extend to one hundred rupees for every day or part of a day that he shall so use or work the said boiler, or permit the same to be so used or worked.

(2) And if the said owner or person shall continue so to use or work the boiler, or to permit the same to be so used or worked after such fine shall have been imposed, he shall be held to have committed a separate offence, and shall be punished with a further fine which may extend to one hundred rupees for each day or part of a day after the first conviction during which the offence is continued and in like manner after each subsequent conviction.

For tampering with the safety valve of a boiler.

33. Whoever tampers with the safety valve of a boiler so as to render it inoperative or causes it to be loaded over the pressure declared in the provisional order or certificate in force for the boiler shall be punished with fine which may extend to one hundred rupees.

For tampering with registry number of a boiler.

For fraudulently marking a registry number on a boiler.

34. (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the registry number marked on a boiler shall, for every such act, be punished with fine which may extend to five hundred rupees.

(2) Whoever fraudulently marks upon a boiler a registry number which has not been duly allotted to it under this Act shall be punished with imprisonment which may extend to two years or with fine or with both.

For refusing or omitting to deposit certificate in accordance with section 27 (2).

35. A person who, being bound to deposit his certificate under the provisions of sub-section (2) of section 27, shall refuse or omit to do so, shall be punished with fine which may extend to five hundred rupees.

Cognizance of offences.

36. All offences against this Act shall be cognizable in the city of Bombay by a Presidency Magistrate, and elsewhere by a Magistrate of the First Class.

Charges within what period to be brought.

37. No charge shall be brought against any person of any offence punishable under this Act except within six months after the commission of the offence, nor shall any such charge be brought except with the sanction or under the direction of the Collector of the place or district in which such offence is alleged to have been committed.

Miscellaneous.

Rules.

38. (1) The Governor in Council may, by notification in the Bombay Government Gazette, make rules not inconsistent with this Act for—

(*a*) setting the duties and emoluments of commissions, inspectors and examiners appointed under this Act, and regulating the control to be exercised by Collectors over inspectors;

(*b*) fixing the fees to be levied for inspection of boilers under sections 9 and 20 and issue of duplicate certificates under section 12 at such rates not exceeding those prescribed in schedule B as the Governor in Council thinks fit;

(*c*) prescribing the manner of admeasurement and quantities to be used in determining, for rating purposes under this Act, the nominal horse power of engines and boilers;

(*d*) regulating the submission of appeals under section 14, the reference and cognizance of matters under section 17, the procedure to be followed in the hearing of the appeals and inquiry into the matters aforesaid, and the conduct of the examinations to be held under section 22, and providing for interpretation in the case of candidates unacquainted with English;

(*e*) prescribing the qualifications to be required of candidates at the said examinations, the fees to be paid by them, the forms of the certificates to be granted to them, and the capacity or kind of boiler of which each such certificate shall qualify the holder thereof to be in charge, and the extent to which each such certificate shall qualify the holder to be in charge of such boiler, and prescribing also the fees to be paid for the duplicate certificates furnished under section 29;

(*f*) providing for inquiry into an allegation of drunkenness, misconduct or negligence on the part of the holder of a certificate of competency or service;

(*g*) generally for giving effect to the provisions of this Act.

(2) Any rule made under this section shall be subject to previous publication, and shall not be finally considered until the expiry of a period of three months from the date of such publication.

Recovery and disposal of fees, etc.

39. (*1*) Any fee lawfully due under this Act which has not been paid on demand duly made shall be recoverable by the Collector as an arrear of land revenue.

(*2*) All fees, costs and penalties levied under this Act shall be disposed of in such manner as the Governor in Council shall from time to time direct.

Director of Industries to perform the duties of the Collector of Bombay.

[1] **[39A.** The Governor in Council may, by notification in the Bombay Government Gazette, direct that all or any of the powers and duties conferred or imposed by or under this Act upon the Collector of Bombay or so conferred or imposed on the said officer in respect of the city of Bombay as Collector thereof shall be exercised or performed by the Director of Industries, Bombay.]

Repeal.

40. The Bombay Boiler Inspection Act, 1891, and Bombay Acts Nos. II of 1897 and II of 1903 are hereby repealed: Bom. Act II of 1891.

Saving.

Provided that nothing in this Act shall affect the validity, according to its tenor, of any certificate granted under the Bombay Boiler Inspection Act, 1873, or under the Bombay Boiler Inspection Act, 1887, or under the

[1] Section 39A was inserted by s. 2 of the Bombay Boiler Inspection (Amendment) Act, 1920 (Bom. Act 10 of 1920), *infra*.

Bombay Boiler Inspection Act, 1891. Every such certificate shall, for all the purposes of this Act, be deemed to have been granted, and to be in force, under the provisions of this Act.

SCHEDULE A.

(See SECTION 11.)

Form of Inspector's Certificate.

Name of Owner.	Registry number and description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which this certificate is to be in force.	Maximum pressure at which the boiler may be worked.	REMARKS.

I, the undersigned, certify that I have examined the abovenamed boiler, and to the best of my judgment the boiler, as shown in the above statement and all its necessary appurtenances are in good condition and the registry number is properly marked thereon.

A. B., INSPECTOR.

SCHEDULE B.

(See SECTION 38.)

Maximum rates of fees leviable for inspections of boilers under sections 9 and 20, subject to the conditions specified hereunder.

	Rs.
(1) For each boiler not exceeding 20 horse power nominal . . .	20
(2) For each boiler exceeding 20, but not exceeding 30 horse power nominal	30
(3) For each boiler exceeding 30, but not exceeding 50 horse power nominal	40
(4) For each boiler exceeding 50 horse power nominal . . .	50

A fee paid for the inspection of a boiler shall cover thorough inspection hydraulic test and steam test, where such are necessary.

An additional fee of Rs. 10 will be leviable for each visit of the inspector in every case in which the owner or person in charge fails to prepare at the time appointed the boiler or its appurtenances for the purpose specified in the inspector's written notice, when such notice has been duly served, except where such failure was in the circumstances unavoidable.

A second fee will be leviable for re-inspection in any case where the inspection of a boiler is begun, but, owing to the fault or neglect of the owner or person in charge, is not completed within a period of six months from the date of commencement of inspection.